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From:	Donna Cochems, Chief Caregiver Regulation and Investigation Section	
cc:	Susan Schroeder, Director Bureau of Quality Assurance	

Wisconsin Nurse Aide Training and Nurse Aide Directory Update
Termination of Nurse Aide Training “Deemed” and “Grandparenting” Programs

The purpose of this memo is to provide Bureau of Quality Assurance regulated providers and nurse aide training programs with current information regarding Wisconsin Nurse Aide Training Program and Nurse Aide Directory requirements, updated related forms, fact sheets and publications. This memo replaces the sections of BQA Memo 93-022 and 93-023 that pertain to Nurse Aide Registry (currently named the Wisconsin Nurse Aide Directory) Deemed and Grandparenting Applications.

Termination of “Deemed” Nurse Aide Training Program Effective January 1, 2000

Federal regulations specify that a skilled nursing facility must not employ any individual as a nurse aide in the facility on or after January 1, 1991, for more than four months unless that individual had completed a training and testing program approved by the State (42 USCA § 1395i-3(5) *Required training of nurse aides*). States were required to review and approve not later than January 1, 1989 those training and competency evaluation programs that met this requirement (Subsection (e) (1)(A)).

States were allowed to waive the training and testing requirement for an individual who had completed a nurse aide training and testing program prior to July 1, 1989 under the process known as “Deemed.” 42 CFR § 483.151 established the procedure for review and approval of nurse aide training and competency evaluation programs. It further established that no nurse aide training or competency evaluation program could be approved for a period longer than two years, therefore requiring a review and approval of all

programs every two years. A state can withdraw any program if the state determines that these programs do not meet any of the requirements of §§ 483.152 and/or 483.154.

BQA Memo 93-023 outlined the process of issuing retroactive approval to training programs (known as "deeming"). Under federal laws, training programs conducted and completed prior to December 31, 1989 are considered approved if they are substantially the same as programs approved under HFS Administrative Code 129. Under state law, training programs conducted and completed prior to October 1, 1990 have been considered approved. The memo indicated that because of the difference in effective dates between state and federal law, "state only" approval was given to programs in operation between December 31, 1989 and October 1, 1990.

Although the specific nurse aide curriculum requirements have not changed, the degree and level of clinical competence has changed substantially due to progressive changes in health care. What was learned through the deemed training programs and tested through the competency evaluation programs prior to December 18, 1989 is no longer sufficient to meet the health care requirements of today.

A review of all "deemed" nurse aide training and competency evaluation programs will be completed by December 31, 1999 to ensure all Wisconsin Nurse Aide Directory practices are brought into Federal and State compliance.

Effective January 1, 2000, individuals will no longer be approved for placement on the Wisconsin Nurse Aide Directory under the previously allowed "deeming" procedure. Instead, all individuals wishing to be placed on the Wisconsin Nurse Aide Directory must have completed a nurse aide training and/or competency evaluation program approved by the State of Wisconsin.

Termination of "Grandparenting" Nurse Aide Training Program Effective January 1, 2000

Federal regulations allowed states to waive the training and testing requirement for an individual who worked as a nurse aide at one or more facilities of the same employer in this state for at least 24 consecutive months before December 19, 1989 under the process known as "Grandparenting," (42 CFR § 483.150(c) *Waiver of requirements*).

42 USCA § 1395i-3(5) *Required training of nurse aides* specifies that a skilled nursing facility must not employ any individual as a nurse aide in the facility on or after January 1, 1991, for more than four months unless that individual had completed a training and testing program approved by the state. Further, it required that a skilled nursing home must provide individuals used as nurse aides as of January 1, 1990 with a competency evaluation program not later than October 1, 1990.

Section 146.40 (2) (am), Stats., states that a facility may not employ an individual as a nurse assistant unless the individual had been employed as a nurse assistant between October 1, 1985 and October 1, 1990, and had successfully completed a competency evaluation program approved by the Department not later than December 31, 1991.

The intent of the Grandparenting program was to:

1. Provide a grace period to allow health care providers to be in compliance with federal and state regulations when employing individuals as nurse aides;

2. Allow individuals working as nurse aides prior to January 1, 1991, to use work experience in lieu of completing a nurse aide training program prior to completing a state approved nurse aide competency evaluation program; and
3. Provide a grace period from January 1, 1990 to December 31, 1990 for individuals working at that time to complete a state approved nurse aide competency evaluation program prior to January 1, 1991.

Effective January 1, 2000, individuals will no longer be approved for placement on the Wisconsin Nurse Aide Directory under the previously allowed “grandparenting” procedure. Instead, all individuals wishing to be placed on the Wisconsin Nurse Aide Directory must have completed a nurse aide training and/or competency evaluation program approved by the State of Wisconsin.

Effective January 1, 2000, the following forms are now obsolete:

- **Registry Application Employment History (Grandparenting)** (form DOH-2222)
- **Registry Application for Deemed Instructional and Testing Program or Deemed Testing Only Program** (form DOH-2225)

Wisconsin Nurse Aide Directory Form and Publication Update

Attached with this memo are the following updated Wisconsin Nurse Aide Directory forms, fact sheets and publications:

- Nurse Aide Directory Application - Competency Evaluation Notification (DSL-2223), (formerly Nurse Aide Registry Eligibility Notification After Competency Evaluation)
- Nurse Aide Directory Application - Out-Of State (DSL-2226), (formerly Nurse Aide Registry Out-Of-State Application)
- Nurse Aide Directory Update (DSL-2312), (formerly Nurse Aide Registry Update Application)
- Wisconsin Nurse Aide Directory Information fact sheet
- Wisconsin Nurse Aide Directory Voice Response Unit fact sheet
- Wisconsin Nurse Aide Directory Frequently Asked Questions
- State List of Nurse Aide Directories/Registries fact sheet
- Wisconsin’s Nurse Aide Directory and Caregiver Program brochure (PSL-3141).

The updated forms and fact sheets reflect current Wisconsin Nurse Aide Directory requirements, as well as changes that have resulted due to the Caregiver Program. The new brochure, **Wisconsin’s Nurse Aide Directory and Caregiver Program**, provides current information and requirements regarding the Wisconsin Nurse Aide Directory and the Caregiver Program. This brochure may be ordered at no cost by writing:

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Introduction of Wisconsin Nurse Aide Directory and Nurse Aide Training Program Web Site

The Department has created a web site for the Wisconsin Nurse Aide Directory and Nurse Aide Training program. The most current documents that relate to the Nurse Aide Directory and/or Nurse Aide Training program, such as forms, frequently asked questions, fact sheets, and BQA Memos can be accessed at the following web site:

www.dhfs.state.wi.us/rl_DSL/NurseAides/NAintro.htm.

After mid-January 2000, the address will change to:

www.dhfs.state.wi.us/rl_DSL/Caregiver/CgvrIntro.htm

For answers to further questions regarding the Nurse Aide Directory contact:

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Attachments